

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

**In Re:** )  
 )  
**SOMERVILLE BREWING COMPANY** ) **Chapter 11**  
 ) **Case No. 19-13300-FJB**  
 )  
**DEBTOR** )  
 )

**MOTION TO EXTEND TIME TO ASSUME OR REJECT  
UNEXPIRED LEASE OF NONRESIDENTIAL  
REAL PROPERTY WITH HORACE-WARD, LLC**

Now comes Somerville Brewing Company, the Debtor and Debtor-in-Possession (the "Debtor"), and respectfully moves that the Court, pursuant to 11 U.S.C. §365(a), and Rule 6006 of the Federal Rules of Bankruptcy Procedure and MLBR 6006-1, grant a ninety (90) day extension of time to assume or reject its unexpired lease of nonresidential real property in which Debtor is lessee under a lease dated March 31, 2014 as amended by Amendment to Lease dated September 11, 2019 entered with Horace-Ward, LLC. The deadline for assumption, assumption and assignment, or rejection, currently expires on January 25, 2020. In support of this Motion, the Debtor states as follows:

1. The Debtor filed its voluntary petition under Chapter 11, pursuant to 11 U.S.C. Section 301 on September 27, 2019 (the "Petition Date"). Pursuant to U.S.C. Section 1107 and 1108, Somerville Brewing Company, is operating its Tap Room as a debtor-in-possession.

2. The Debtor is the lessee and entered into a lease with Horace-Ward, LLC (Landlord) dated of March 31, 2014 (the "Initial Lease") with respect to certain Premises (hereinafter referred to the "Premises") described in the Lease used and occupied by the Debtor at 15 Ward Street, Somerville, Massachusetts. Thereafter, the Debtor and the Landlord entered into an Amendment to Lease ("First Amendment") as of September 11, 2019. The Lease expiration date is August 31, 2021. A copy of the Lease is available upon request.

3. The Debtor is seeking to extend the time in connection with the assumption or rejection of the non-residential commercial real estate lease as it explores its Plan reorganizations options.

4. It is in the best interests of the Debtor's estate to invoke its privilege under 11 U.S.C § 365(a) to extend the time to assume or reject the unexpired lease, as the business has a Plan in prospect, which plan shall be filed in accordance with the provisions of §1121(e)(2).

5. The Debtor seeks a ninety (90) day extension of time to assume or reject its unexpired lease of nonresidential real property in which Debtor is lessee, through and including April 24, 2020, subject to further extension.

6. Notice of this Motion has been forwarded to the United States Trustee, to the landlord, and to parties in interest that have requested service.

Wherefore, the Debtor respectfully requests that this Court:

1. Find that the notice of this motion and any hearing is sufficient if given in accordance with paragraph 6 above;
2. After due notice and hearing, enter an Order extending the time to assume or reject the real estate lease; and
3. Grant such other and further relief as is just and proper.

Respectfully submitted,  
Somerville Brewing Company  
By its attorney,

/s/ Nina M. Parker  
Nina M. Parker (BBO #389990)  
Marques C. Lipton (BBO #676087)  
Parker & Lipton  
Parker & Associates LLC  
10 Converse Place, Suite 201  
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(781)729-0005  
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Dated: January 17, 2020

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**CERTIFICATE OF SERVICE**

I, Nina M. Parker, do hereby certify that I have given either electronic notice and/or mailed, postage prepaid, copies of **Motion to Extend Time to Assume or Reject Unexpired Lease of Nonresidential Real Property with Horace-Ward, LLC** to the parties listed on the annexed service list.

/s/ Nina M. Parker  
Nina M. Parker (BBO #389990)  
Parker & Lipton  
Parker & Associates LLC  
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Winchester, MA 01890  
(781)729-0005  
[nparker@parkerlipton.com](mailto:nparker@parkerlipton.com)

Dated: January 17, 2020

## **Electronic Mail Notice List**

- Eric K. Bradford Eric.K.Bradford@USDOJ.gov
- John Fitzgerald USTPRegion01.BO.ECF@USDOJ.GOV
- James C. Fox jim\_fox@riw.com, jcf@riw.com
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- James M. Liston jml@bostonbusinesslaw.com
- Anthony M. Moccia amoccia@eckertseamans.com
- Rion Vaughan rmv@riw.com

## **Manual Notice List**

Horace-Ward, LLC  
c/o Jonah H. Jacob, Manager  
15 Ward Street  
Somerville, MA 02143

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101

Massachusetts Department of Revenue  
Bankruptcy Unit  
P.O. Box 9564  
Boston, MA 02114

Department of Unemployment Assistance  
Charles F. Hurley Building  
19 Staniford Street  
Boston MA 02114-0000